

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAYNARD STRUCK, ESQ., as Guardian
ad Litem for M.P., a minor, S.P.R., a minor,
and S.R.R., a minor,

Plaintiff,

v.

Case No. CIV-18-00139 KG-JHR

ALBUQUERQUE PUBLIC SCHOOLS,
and MICHAEL STOLDT,

Defendants.

STIPULATED CONFIDENTIALITY ORDER

THIS MATTER having come before the Court upon the stipulation of the parties, the Court being fully advised hereby finds:

1. This litigation shall require the parties to obtain, review, and discuss the personal medical and mental health history of the Plaintiffs: M.P., a minor; S.P.R., a minor child, and S.R.R., a minor child.
2. The parties wish to enter an Order allowing the free exchange of information while preserving confidentiality of M.P.'s, S.P.R.'s and S.R.R.'s medical and mental health information.

WHEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. All records relating to M.P.'s, S.P.R.'s, and S.R.R.'s:
 - a. medical, mental health, psychological health history,
 - b. treatment, hospitalization, outpatient or inpatient care history,
 - c. testing, screening or evaluation for medical or mental health history,
 - d. education, training, vocational, occupational history, shall be

maintained by the parties to this action as **confidential**.

2. “**Confidential**” shall mean:


- a. The Parties shall not disseminate, publish, or otherwise distribute the materials to any person not directly involved in the prosecution or defense of claims in this case. For purposes of this matter, parties directly involved in the prosecution or defense of claims in this case shall include the parties (or their officers, insurers, employees or agents to whom it is necessary that such information be shown in the preparation of trial of this action); attorneys for named parties in this action (including their employees); outside expert witnesses, mediators, and consultants (including their employees) employed by the parties or their attorneys for this action; and, any court reporter, videographer or other person hired to assist in depositions in this matter.
- b. Any witness to whom such materials are shown, or through whom such materials are shared, shall be informed that further dissemination is prohibited. If such materials are disclosed or shared at a deposition of the witness, that portion of the deposition transcript in which the confidential materials are disclosed and/or discussed shall itself be deemed confidential.
- c. The parties shall not disclose any confidential material in any public documents or file any such material, and if publications of such material to the Court is necessary, the parties shall submit such

material under seal or in such other manner as best preserves the confidentiality of such materials.

- d. Prior to the publication of any such material at a trial or a hearing, the parties shall identify to the other parties the material so that proper measures can be employed to maintain confidentiality while allowing this case to be fully and properly litigated on the merits.
3. The parties shall return to this Court for supplemental Orders should a dispute arise over the “confidentiality” of any materials, or to seek additional Orders and protections deemed necessary and appropriate.
4. All material so designated as “or destroyed” by the party producing the information or material shall be governed by this Order. To designate material as “**confidential**” the producing party shall produce the materials with a cover sheet that clearly states the word “**confidential**”. Designation of material as “**confidential**” under this Order shall not relieve any party of its duty to disclose and produce materials under the applicable rules of this Court. All documents obtained through a mental health or medical health release shall be designated as “**confidential**” by the party that received the documents through the release. By stamping such documents as “**confidential**” a party does not waive its rights under paragraph 5, herein.
5. If any party chooses to challenge a designation of material as confidential, an appropriate motion on the matter shall be directed to the assigned Magistrate Judge.
6. Prior to trial, the parties shall confer and discuss methods for preserving

confidentiality as may be appropriate during the open proceedings of trial, and shall approach the Court for resolution of any such issues.

7. At the termination of this case, within 90 days from the entry of the Order of dismissal, any document designated by a party as “**confidential**” will be returned to that party or destroyed and that party will certify to this Court that all copies of the authorizations and records obtained through the use of the authorizations have been returned or destroyed. If an opposing party omits to return or destroy any document designated as “**confidential**” within 90 days from the entry of the Order of dismissal, then then it will also be the responsibility of the party who has designated the document “**confidential**” to request that the document be returned or destroyed, and offer the opposing party an opportunity to return the document, prior to seeking any intervention from the Court.



UNITED STATES DISTRICT JUDGE

Submitted and approved by:

Attorneys for Plaintiffs

CURTIS AND LUCERO
215 CENTRAL AVENUE NORTHWEST
THIRD FLOOR
ALBUQUERQUE, NM 87102
T 505-243-2808 F 505-242-0812
amalia@curtislawfirm.org
laura@curtislawfirm.org

Electronically signed

/s/ Laura R. Callanan

Laura R. Callanan

Approved by:

ROBLES, RAEL & ANAYA, P.C.

By: Douglas E. Gardner (approved by email 4/5/18)

Luis Robles, Esq.

Douglas E. Gardner, Esq.

Attorneys for Defendant Stoldt

500 Marquette Ave., NW, Suite 700

Albuquerque, New Mexico 87102

(505) 242-2228

(505) 242-1106 (facsimile)

douglas@roblesrael.com

luis@roblesrael.com

MODRALL SPERLING ROEHL HARRIS & SISK, P.A.

By: Megan Muirhead (approved by email 4/5/18)

Megan Muirhead

Jennifer G. Anderson

Attorneys for Defendant APS

Post Office Box 2168

Bank of America Centre

500 Fourth Street NW, Suite 1000

Albuquerque, New Mexico 87103-2168

Telephone: 505.848.1800